

FEDERAL ENVIRONMENTAL NOTIFICATION & REPORTING REQUIREMENTS HANDBOOK



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Prepared by

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Chapter 5. Federal Insecticide, Fungicide, and Rodenticide Act

Purpose and Organization

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was originally enacted in 1947 (P.L. 80-104). The Act has been amended a number of times, including the following:

- ❑ 1972 (P.L. 92-516) - The Federal Environmental Pesticide Control Act of 1972 virtually rewrote FIFRA.
- ❑ 1975 (P.L. 94-140) - This legislation reflected Congressional desire to limit the Environmental Protection Agency's (EPA's) authority to require farmers to take exams before being certified as applicators.
- ❑ 1978 (P.L. 95-396) - This act authorized EPA to conditionally register a pesticide pending study of the product's safety and to conduct generic reviews without requiring compensation for use of a company's data. Also, studies which demonstrate the efficacy of pesticides were made optional, therefore relieving EPA of the burden of determining whether a pesticide actually worked for the purposes claimed.
- ❑ 1980 (P.L. 96-539) - This legislation required Scientific Advisory Review of suspension actions and allowed for a two-house veto over EPA rules and regulations.
- ❑ 1988 (P.L. 100-532) - This act authorized that active ingredients in pesticides originally registered before November 1, 1984, must be reregistered by the EPA within nine years. A two-tier fee system was established to pay for the reregistration program. The amendments also corrected a flaw in the existing provisions involving compensation for cancelled pesticides.

Pesticide Registration

FIFRA governs the sale and use of pesticides. All pesticides sold in the United States must be registered with the EPA (authority for the implementation of FIFRA was originally placed with the U.S. Department of Agriculture, but was transferred to the EPA in 1970).

Each applicant for registration of a pesticide must file a statement with the EPA which includes the following information: name and address of applicant; name of the pesticide; a complete copy of the pesticide label; the complete pesticide formula; and a request that the pesticide be classified for general use or for restricted use, or for both. Also, if requested, a full description of tests made and the results on which the claims are based must be provided.

Pesticide registration is very specific and is for a limited five-year period. Unless an interested party petitions for renewal, the registration automatically expires after the five-year period.

A *conditional* registration is authorized when certain data on a product's safety have either not yet been supplied to EPA or have not yet been analyzed to ensure "it will perform its intended function without unreasonable adverse effects on the environment."

Pesticide Classification

The pesticide is classified for general use if, when the pesticide is applied in accordance with its directions for use, it will not generally cause unreasonable adverse effects on the environment. The pesticide is classified for restricted use if, when the pesticide is applied in accordance with its directions for use, it may generally cause unreasonable adverse effects on the environment. If a pesticide is classified as being for restricted use, it may only be used by or under the direct supervision of a certified applicator.

Notification and Reporting Requirements

The following are reporting requirements under FIFRA:

- ❑ Any pesticide registrant that becomes aware of any unreasonable adverse effect on the environment must report such information to the EPA Administrator.

- Any unexpected adverse effects resulting from the use of a pesticide under a crisis, specific, quarantine, or public health exemption must be immediately reported to the EPA.

Specific exemption. A specific exemption may be authorized in an emergency condition to avert:

- (1) a significant economic loss; or
- (2) a significant risk to:
 - (i) endangered species,
 - (ii) threatened species,
 - (iii) beneficial organism's, or
 - (iv) the environment.

Quarantine exemption. A quarantine exemption may be authorized in an emergency condition to control the introduction or spread any pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States and its territories.

Public health exemption. A public health exemption may be authorized in an emergency condition to control a pest that will cause a significant risk to human health.

Crisis exemption. A crisis exemption may be utilized in an emergency condition when the time from discovery of the emergency to the time when the pesticide use is needed is insufficient to allow for the authorization of a specific, quarantine, or public health exemption.

Figure 5 guides the user to the various FIFRA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 5: Federal Insecticide, Fungicide, and Rodenticide Act

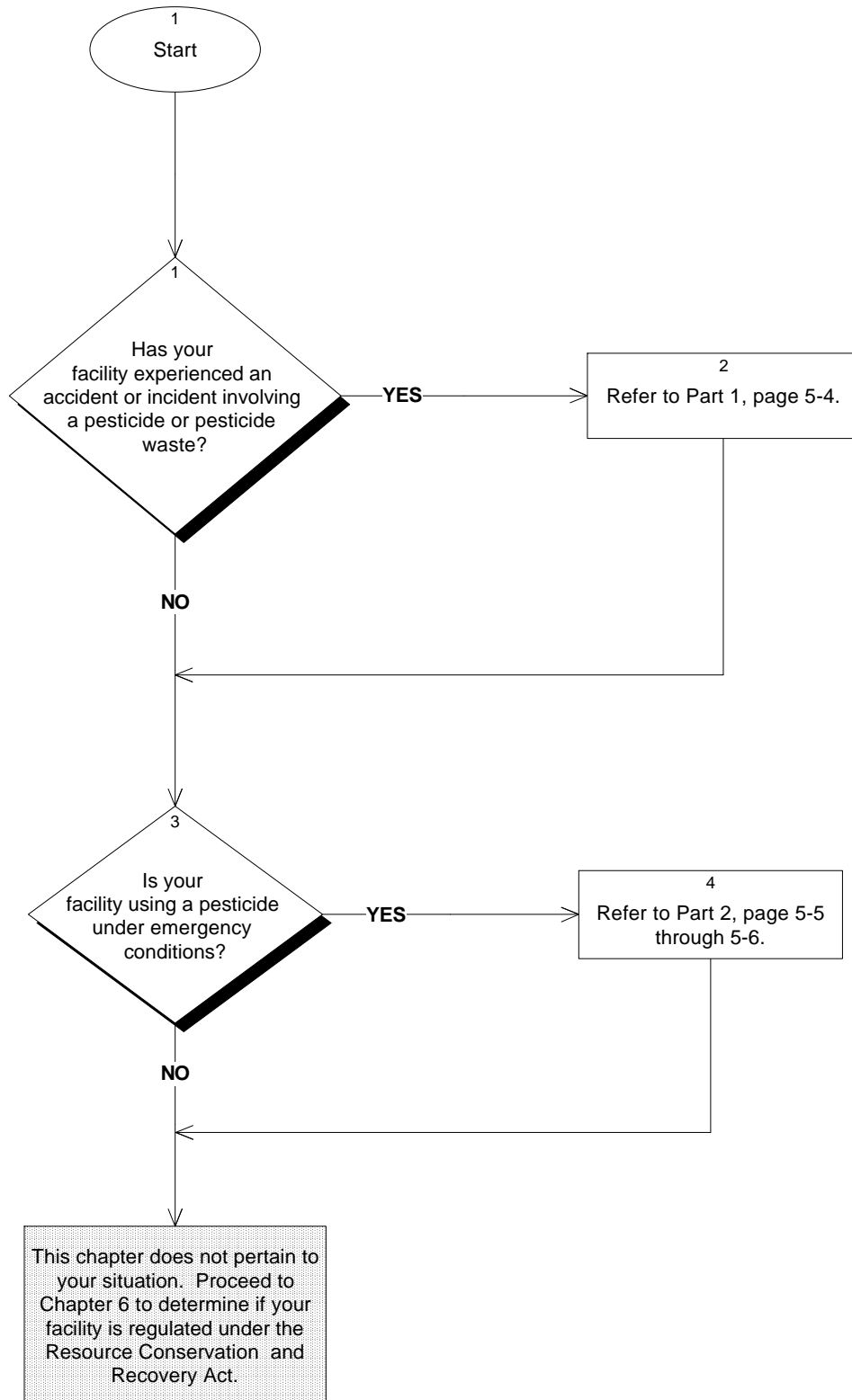


Table 5 Federal Insecticide, Fungicide, and Rodenticide Act

Part 1. Regulations for Acceptance of Certain Pesticides, Recommended Procedures for Disposal & Storage of Pesticides and Pesticide Containers	
<p>Authorizations FIFRA Sections 19(a) 25(a)</p> <p>References 40 CFR 165.2</p>	<p>Authorization and Scope</p> <p>(g) To provide documentation of actual situations, all accidents or incidents involving the storage or disposal of pesticides, pesticide containers, or pesticide-related wastes should be reported to the Regional Administrator.</p>

Table 5
Federal Insecticide, Fungicide, and Rodenticide Act

Part 2. Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions

Authorizations
FIFRA Section 4

References
40 CFR 166.32

Reporting...Requirements for Specific, Quarantine, and Public Health Exemptions

- (a) Unexpected adverse effects information. Any unexpected adverse effects resulting from the use of a pesticide under a specific, quarantine, or public health exemption must be immediately reported to the Agency.
- (b) Final reports. A report summarizing the results of pesticide use under a specific, quarantine, or public health exemption must be submitted to the Agency within 6 months from the expiration of the exemption unless otherwise specified by the Agency. The information in this report shall include all of the following:
 - (1) Total acreage, amount of commodity or other unit treated, and the total quantity of the pesticide used;
 - (2) A discussion of the effectiveness of the pesticide in dealing with the emergency condition;
 - (3) A description of any unexpected adverse effects which resulted from use of the pesticide under the exemption;
 - (4) The results of any monitoring required and/or carried out under the exemption;
 - (5) A discussion of any enforcement actions taken in connection with the exemption;
 - (6) Method(s) of disposition of a food crop, if required to be destroyed under an exemption; and
 - (7) Any other information requested by the Administrator.

References
40 CFR 166.50

Reporting ... Requirements for Crisis Exemption

- (a) Adverse effects information. Any adverse effects resulting from the use of a pesticide under a crisis exemption must be immediately reported to the Agency.
- (b) Final reports.
 - (1) A report summarizing the results of a treatment under a crisis exemption will be required to be submitted to the Agency within 3 months following the last date of treatment. If a specific, quarantine, or public health exemption

Table 5
Federal Insecticide, Fungicide, and Rodenticide Act

Part 2. Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions (con't.)

References
40 CFR 166.50 (con't.)

- has been approved while the crisis exemption is in effect, however, the crisis exemption report may be incorporated into the specific, quarantine, or public health exemption final report required under 40 CFR 166.32(b) and submitted at the time it is due.
- (2) Information to be included in the crisis exemption report includes the same information as required in 40 CFR 166.32(b) and an explanation as to why there was a need to utilize the crisis provisions.